REMARKS

Initially, applicant acknowledges allowance of claims 1, 3 and 11. It is noted, however, that the Examiner has rejected the remaining claims, namely, claims 4-10 and 12-13 under 35 U.S.C. § 103(a) as being unpatentable over Schlesser et al., U.S. Patent Application No. 2003/0217537 A1 in view of Houch, U.S. Patent No. 5,715,893. Applicant has amended independent claims 4 and 6 to more particularly define the invention for which protection is sought. Reconsideration of the Examiner's rejection is respectfully requested in view of the following comments.

Claim 4 defines an agricultural seeder comprising a wheel supported main spring with first and second opposing lateral sides and being adapted to be removably affixed to a tractor for moving along the ground in a direction of travel. First and second elongated wings are also provided. Each wing has an inner end, an opposing outer end, and a longitudinal axis generally perpendicular to the direction of travel. In addition, each wing has a center point along its corresponding longitudinal axis that is generally equidistant from the inner and outer ends. A plurality of seeders are affixed to the first and second wings and generally regularly spaced along the longitudinal axes thereof. A first elongated support arm is pivotably affixed to one end of the first lateral side of the main frame and the other end to the center point of the first wing. A second elongated support arm is pivotably affixed at one end to the second lateral side of the main frame and at the other end to the center point of the second wing. A first hydraulic cylinder interconnects the first elongated support arm and the main frame such that activation of the cylinder can raise the first wing to a transport position and lower the first wing to a working position in contact with the ground. A second hydraulic cylinder interconnects the second elongated support arm in the main frame such that activation of the second cylinder can raise the second wing to a transport position and lower the second wing to a working position in contact with the ground. The respective inner ends of the wings are closely adjacent to each other when in the working position so as to form a generally continuous line across the width of the seeder. Both the first and second hydraulic cylinders have a lock thereon to hold the respective cylinder in the working position whereby when in the working position, the wings float relatively to the

ground. The first and second wings are only attached to the wheel supported main frame by the first and second support arms, respectively, so that the inner and outer ends float only about the center point of each first and second wings.

As hereinafter described, neither of the cited references show or suggest an agricultural seeder incorporating first and second hydraulic cylinders interconnecting the support arms of the agricultural seeder to the main frame thereof. Further, nothing in either of the cited references shows or suggests an agricultural seeder wherein the first and second hydraulic cylinders thereof have a lock thereon to hold the respective cylinder in the working position whereby when in the working position, the wings float relative to the ground.

The Schlesser et al. '537 application discloses a mower having a pair of cutting heads which are pivotably supported by a respective cantilever beams. The cantilever beams are pivotably coupled with a hitch assembly which, in turn, is coupled with a traction unit via two lower lift arms and a floatable top link. The floatable top link allows the hitch assembly to float relative to the traction unit during transport. The mower also includes a hydraulic balancing arrangement including a pair of hydraulic cylinders coupled in parallel to each other and a preload spring to apply a selected lifting floor to the distal end of each cutter head. The amount of preload applied to the upper hydraulic cylinder using the preload spring adjusts the lifting force applied to the distal end of a respective cutter head using the lower hydraulic cylinder.

As indicated by the examiner, nothing in the Schlesser et al., '537 application shows or suggests utilizing cylinders to interconnect the support arms directly to the main frame, as required by independent claim 4. (See, Office Action, paragraph 6, pages 8-9) Rather, in the mower disclosed in the '537 application, one type of cylinder can be affixed to and is only interconnected between the wings and corresponding support arms (See, Figs. 1 and 2 of the '537 application). The other spring biased cylinders 52 are only shown mounted on corresponding support arms. Given the presence of hydraulic cylinder 46 that pivots the beams

between the working position and transport position (See, page 4, paragraph 44 of the '537 application), there would be no incentive or teaching in the '537 application to interconnect each support arm to the main frame through a corresponding hydraulic cylinder.

In addition, referring to paragraph [0041] of the '537 application, it is noted that hydraulic cylinders 52 and spring 54 generate a lifting force on the distal end of respective cutter heads with the cylinders in their extended position. Hence, it can be appreciated that with hydraulic cylinders 52 in their working position, the wings are not free to float relative to the ground, as required by independent claim 4.

The Houck '893 patent cannot cure the deficiencies in the '537 application. More specifically, the Houck '893 patent discloses a hitchable and towable implement suitable for attachment of various agricultural tooling. The implement is convertible between a laterally expanded used position and a laterally narrow transport position. It is noted that in the Houck '893 patent, the frame structure disclosed in the '893 patent requires three sections including a generally fixed, center section that is not part of either of the wings, but raised separately from the lower working positions. The wing sections are pivotably attached at their inner ends to the center section via arms. Hence, since unlike the seeder defined in claim 4 the wing sections are pinned to the center section in the '893 patent, the wings to do not float about their corresponding center points relative to the ground when first and second hydraulic cylinders are locked in the working position.

In view of the foregoing, it is believed that independent claim 4 defines over the cited references and is in proper form for allowance. Claims 5 and 12 depend from claim 4 and further define an agricultural seeder not shown or suggested in the art. It is believed that claims 5 and 12 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

Claim 6 defines an improvement in an agricultural seeder having a main frame with first and second opposing lateral sides and first and second wings pivotably attached thereto. A hydraulic control system is provided that pivots the wings between a raised transport position and a lowered operating position in contact with the ground. The improvement includes providing first and second wings that extend along corresponding longitudinal axes and that have center points along their respective longitudinally axes. The first and second wings are only pivotably attached to respective lateral sides of the main frame by a structure including first and second substantially identical support arms. Each support arm has a first end pivotably attached directly at the main frame and an opposing second end pivotably attached directly at a respective wing at the center point such that the wings float only about the center point pivotably attached directly at the second end of the support arm relative to the ground. Each wing has an inner end and an outer end such that in the working position, the respective longitudinal axes of the two wings are generally aligned, with the inner ends closely adjacent to each other thereby forming a generally continuous line along the width of the seeder. The hydraulic control system includes a first hydraulic cylinder interconnecting the first support arm and the main frame such that activation of the first cylinder can raise the first wing to a transport position and lower the first wing to a working position in contact with the ground. The hydraulic control system also includes a second hydraulic cylinder interconnecting the second support arm and the main frame such that activation of the second cylinder can raise the second wing to a transport position and lower the second wing to a working position in contact with the ground.

As heretofore described with respect to independent claim 4, nothing in the cited references shows or suggests that an agriculture seeder incorporating first and second hydraulic cylinders that interconnect to corresponding support arms directly to the main frame such that the cylinders can raise the wings to corresponding transport positions and the lower the wings to corresponding vertical positions in contact with the ground. Such a structure is entirely absent from the cited references. Further, nothing in the cited references shows or suggests a seeder incorporating first and second hydraulic cylinders having locks thereon to hold the respective cylinders in the working position whereby when in the working position, the wings float about

their corresponding center points relative to the ground. Consequently, it is believed that independent claim 6 defines over the cited references and is in proper form for allowance.

Claim 7, 10 and 13 depend either directly or indirectly from independent claim 6 and further define an improvement not shown or suggested in the art. It is believed that claims 7, 10 and 13 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

CONCLUSION

Applicant believes that the present application with claims 1, 3-7 and 10-13 is in proper form for allowance and such action is earnestly solicited. No fees are believed to be due in connection with this communication. Nevertheless, authorization is given to charge any additional fees or credit any overpayment in connection with this or any future communication to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,

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